

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff(s), : Case No. 3:12-cr-117(2)

- vs -

CHERYL L. ROGERS,

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

Defendant(s). :

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**DETENTION ORDER**

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This case came on for hearing on October 16, 2012, on motion of the United States to determine whether any condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the appearance of the Defendant as required in this case and the safety of the community.

In requesting detention, the United States relied on the report of the Pretrial Services Officer and the presumption of detainability arising from Defendant's indictment on an offense under the Controlled Substances Act carrying a maximum penalty in excess of ten years' imprisonment. Defendant presented no evidence.

Based on the report of the Pretrial Services Officer and the facts recited for the record in open court, the Court finds by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the appearance of the Defendant as required and the safety of the community.

The term “safety of the community” refers to the community’s security from criminal conduct by the Defendant, whether violent or not. *United States v. Redd*, Case No. CR-3-00-92 (S.D. Ohio January 22, 2001), *citing United States v. Ramsey*, 110 F. 3d 65, 1997 WL 135443 (6<sup>th</sup> Cir. March 24, 1997)(unpublished)(when considering the “safety of the community” in the context of pre-trial release, “the courts look to more than whether the defendant has been guilty of physical violence”); *United States v. Vance*, 851 F. 2d 166, 169 (6<sup>th</sup> Cir. 1988)(recognizing that community safety concerns focus on not only the safety of particular individuals, but also on the safety of the community as a whole).

The Government's Motion to detain is GRANTED.

Accordingly, it is hereby ORDERED that:

1) the Defendant be committed to the custody of the Attorney General of the United States for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2) the Defendant be afforded reasonable opportunity for private consultation with counsel; and

3) on order of a court of the United States or on request of an attorney for the United States, the person in charge of the facility in which the Defendant is confined deliver the Defendant to a United States Marshal or his deputy for the purpose of an appearance in connection with a court proceeding.

Defendants who appeal to a district judge from this Order must, at the same time as filing the appeal, order a transcript of the detention hearing from the court reporter.

October 17, 2012.

s/ Michael R. Merz  
United States Magistrate Judge